

16 OCT 2000



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In re Application of	:	
SONNEWALD, Uwe, et al.	:	
U.S. Application No.: 09/558,284	:	DECISION ON PETITION
Filing Date: 25 April 2000	:	TO REVIVE ABANDONED
Attorney's Docket No.: VOS-12 CON	:	APPLICATION UNDER 37
For: 2-DEOXYGLUCOSE-6-PHOSPHATE (2-DOG-	:	CFR 1.137(b)
6-P) PHOSPHOTASE DNA SEQUENCES AS	:	
SELECTION MARKERS IN PLANTS	:	

This decision is issued in response to applicants' "Letter" and attached "Petition Pursuant To 37 CFR 1.137(b) For Revival Of Abandoned Application" filed on 10 August 2000. Applicants have paid the required petition fee for the Petition For Revival.

The Letter filed by applicants states that the materials attached to the Letter, including the Petition For Revival considered herein, are true copies of materials originally filed on 25 April 2000. Attached to the Letter is a copy of a return postcard which itemizes the Petition For Revival and bears a USPTO receipt label dated 25 April 2000. Based on applicants' statements in the Letter and the return postcard, it is concluded that the Petition For Revival attached to the Letter was originally filed by applicants on 25 April 2000.

The Petition for Revival seeks to revive international application PCT/EP98/02069 abandoned under 35 U.S.C. 371(d).

All of the requirements of 37 CFR 1.137(b) for revival have been submitted. Applicant's statement that "the entire delay in filing the required application from the October 9, 1999 national phase/continuation application due date until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3).

International application PCT/EP98/02069 became abandoned as to the United States of America after midnight on 12 October 1999 for failure to pay the basic national fee (09 October 1999 was a Saturday and 11 October 1999 was a federal holiday). The filing of the present continuing application under 35 U.S.C. 111 is accepted as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c). International application PCT/EP98/02069 is being revived for purposes of continuity only and since continuity has been established by this decision

reviving the international application, the international application is again abandoned in favor of the present continuing application number 09/558,284.

This application is being forwarded to the Office of Initial Patent Examination for treatment as a filing under 35 U.S.C. 111(a) with a filing date of 25 April 2000.



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